

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>BETTY GAIL DIETZ and ALBERT DIETZ,</b>	)	
	)	
Plaintiffs,	)	2:06cv689
	)	Electronic Filing
v.	)	
	)	Judge Cercone
<b>CELEBRITY CRUISES, INC.</b>	)	Magistrate Judge Lenihan
	)	
Defendant.	)	

**MEMORANDUM ORDER**

This action was commenced on June 7, 2005, in the Court of Common Pleas of Allegheny County, Pennsylvania (the "State Court"). On May 26, 2006, Defendant filed its Notice of Removal, and the action was subsequently referred to United States Magistrate Judge Lisa Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. Plaintiffs' Motion to Remand to State Court was filed on June 26, 2006.

The Magistrate Judge's Report and Recommendation, filed on September 18, 2006, concluded that Plaintiffs' Motion to Remand should be granted as to this Court's lack of jurisdiction and that Plaintiffs' request for costs/fees should be denied. Service was made on all parties. Objections to the Report and Recommendation were filed by Defendant on September 28, 2006. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 20 day of October, 2006:

IT IS HEREBY ORDERED that Plaintiffs' Motion for Remand (Document No. 3) be granted, and this case remanded FORTHWITH to State Court for lack of federal jurisdiction.

IT IS FURTHER ORDERED that Plaintiffs' request for costs/fees be denied.

The Report and Recommendation of Magistrate Judge Lenihan (Document No. 5) is adopted as the Opinion of the Court.



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David Stewart Cercone  
United States District Judge

cc: Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

Stanley D. Ference, III, Esquire  
Ference & Associates  
409 Broad Street  
Pittsburgh, PA 15143

Kevin L. McGee, Esquire  
Rawle & Henderson  
The Widener Building  
One South Penn Square  
Philadelphia, PA 19107